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are now, and that a large number of perjured defenses would be eliminated and honest defenses or pleas of 'guilty' substituted, which would not only be conducive to good public morals, but would save much time and labor in the Courts, and would reduce the calendar."

While the "Voluntary Defenders' Committee" will doubtless minimize certain abuses with respect to assigned counsel, and may be regarded as a forward step, it will not solve the real problem. Accused persons, presumed to be innocent, are entitled to be properly defended. Philanthropy—though well-intentioned—is not a substitute for a fundamental right.

The state should shield those who need its protection. That duty should not devolve upon private citizens or be dependent upon voluntary subscriptions. Justice, not charity, is the urgent need.

MAYER C. GOLDMAN, *New York City.*

**To Establish a State Bureau of Identification in California**—(Assembly Bill No. 143). *An act creating a state bureau of criminal identification and investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the [provisions hereof, and repealing an act entitled "An act to create a state bureau of criminal identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office," approved March 20, 1905.]*

*The people of the State of California do enact as follows:*

[SECTION 1. There is hereby created a state bureau of criminal identification and investigation.

SEC. 2. Within ten days after this act goes into effect, it will be the duty of the governor to appoint a board of managers of said bureau, consisting of three members; one of whom shall be a chief of police of an incorporated city within the State of California, and one to be a duly elected, qualified and acting sheriff of a county within said state, and one to be a duly elected, qualified and acting district attorney of a county within said state; one member of said board shall be appointed to hold office for the term of two years, one member shall be appointed to hold office for the term of three years, and one member to be appointed to hold office for the term of four years, and thereafter, all appointments shall be for the full term of four years; *provided, however*, that should the term of any such member of the said board expire as such chief of police, or such sheriff, or such district attorney, he shall cease to be a member of the said board; *and provided, further*, that the governor shall fill all vacancies created in said board by the appointment of the same kind of an officer as was his predecessor.

SEC. 3. It shall be the duty of said board of managers within ten days after its appointment to take absolute control and management of said bureau, to meet and organize by choosing one of their number to be president, to make and adopt such rules as are necessary for proper conduct of their business as such board of managers, to provide for the appointment of a superintendent and such other employees as may be required; said appointments to be made by the said board of managers from an eligible list provided for such purpose

by the civil service commission; also to provide equipment for said bureau, with necessary furniture, fixtures, apparatus, appurtenances, appliances and materials as are necessary for the collection, filing and preservation of all criminal records both as to identification and investigation of criminals and stolen, lost, found, pledged or pawned property.

SEC. 4. It shall be the duty of said board of managers to procure and file for record and report in their office, as far as such can be procured, all plates, photos, outline pictures, descriptions, information and measurements of all persons who have been or shall hereafter be convicted of felony, or imprisoned for violating any of the military, naval, or criminal laws of the United States of America, and of all well-known and habitual criminals from wherever procurable.

SEC. 5. It shall be the duty of said board of managers to file or cause to be filed all plates, photographs, outline pictures, measurements, information and description which shall be received by it by virtue of its office and it shall make a complete and systematic record and index of the same, providing thereby a method of convenience, consultation and comparison. It shall be the duty of said board of managers to furnish, upon application, all information pertaining to the identification of any person, or persons, a plate, photograph, outline picture, description, measurement, or any data of which person there is a record in its office. Such information shall be furnished to the United States officers or officers of other states or territories, or possession of the United States or peace officers of other countries duly authorized to receive the same, and all peace officers of the State of California, which application shall be in writing and accompanied by a certificate signed by the officer making such application, stating that the information applied for is necessary in the interest of the due administration of the laws, and not for the purpose of assisting a private citizen in carrying on his personal interests or in maliciously, or uselessly, harassing, degrading or humiliating any person or persons.

SEC. 6. In this bureau may be used the following systems of identification: the Bertillon, the finger print system and any system of measurement that may be adopted by law in the various penal institutions of the state. It shall be the duty of said board of managers to keep on file in its office a record consisting of duplicates of all measurements, processes, operations, signalletic cards, plates, photographs, outline pictures, measurements and descriptions of all persons confined in penal institutions of this state as far as possible, in accordance with whatever system or systems may be in vogue in this state.

SEC. 7. Suitable offices for the proper conduct of the bureau shall be provided for by the superintendent of capitol buildings and grounds.

SEC. 8. It is hereby made the duty of the sheriffs of the several counties of the State of California, the chiefs of police of incorporated cities therein and marshals of incorporated cities and towns therein to furnish to the said bureau daily copies of finger prints on standardized eight by eight inch cards, and descriptions of all such persons arrested who in the best judgment of such sheriffs, chiefs of police, or city marshals are persons wanted for serious crimes, or are fugitives from justice, of all such persons in whose possession at the time of arrest are found goods or property reasonably believed by such sheriffs, chiefs of police or city marshals to have been stolen by them; or of all such persons in whose possession are found burglar outfits or burglar tools or burg-

lar keys or who have in their possession high power explosives reasonably believed to be used for unlawful purposes or who are in possession of infernal machines, bombs or other contrivances in whole or in part and reasonably believed by said sheriffs, chiefs of police and city marshals to be used for unlawful purposes, or of all persons who carry concealed firearms or other deadly weapons and reasonably believed to be carried for unlawful purposes, or who have in their possession inks, dye, paper or other articles necessary in the making of counterfeit bank notes, or in the alteration of bank notes; or dies, molds or other articles necessary in the making of counterfeit money, and reasonably believed to be used by them for such unlawful purposes. This section is by no means intended to include violators of city or county ordinances or of persons arrested for other trifling offenses. It is further made the duty of the aforesaid sheriffs, chiefs of police or city marshals to furnish said bureau daily reports of lost, stolen, found, pledged or pawned property received into their respective offices.

SEC. 9. In order to assist in the recovery of said property and in the arrest and prosecution of criminals, it is hereby made the duty of the said board of managers of said bureau to keep a complete record of all reports filed with the said bureau, of all personal property stolen, lost, found, pledged, or pawned in any city or county of this state.

SEC. 10. To provide for the installation of a proper system, and file, and cause to be filed therein cards containing an outline of the method of operation employed by criminals in the commission of crime.

SEC. 11. The board of managers of this bureau, shall serve without compensation; *provided, however*, that they shall receive their necessary traveling expenses while attending meetings of said board. The superintendent shall receive a salary of two thousand four hundred dollars per annum; the salaries of the other employees shall be fixed by the board of managers, subject to the approval of the board of control. The superintendent and the other employees shall be paid in the same manner and out of the same fund as the state officers are paid.

SEC. 12. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of thirty-six thousand dollars, or so much thereof as may be necessary, to be used by said board of managers in furnishing, equipping and maintaining the said bureau in accordance with the provisions of this act, and for the payment of the salaries herein provided for, for the fiscal year ending June thirtieth, one thousand nine hundred eighteen, and the fiscal year ending June thirtieth, one thousand nine hundred nineteen.

SEC. 13. The state controller is hereby directed to draw warrants in favor of the said board of managers at such times and such amounts as shall be approved by the state board of control, and the state treasurer is hereby directed to pay the same.

SEC. 14. All furniture, equipment and records now on file and in use in the office of the "bureau of criminal identification of the State of California," shall become a part of the furniture, equipment, and records of the "state bureau of criminal identification and investigation," immediately upon the organization of the board of managers as provided for in this act.

SEC. 15. An act entitled, "An act to create a state bureau of criminal

identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office"; approved March 20, 1905, is hereby repealed and all other acts and parts of acts in conflict herewith are hereby repealed.]

**The Voluntary Defenders Committee.**—To provide counsel for needy defendants in criminal cases in New York.

1. Purpose.—To employ a staff of attorneys and investigators who will offer their services to the criminal courts in cases where the law provides for the assignment of counsel to the defendant; who will undertake the voluntary defense of needy and deserving persons accused of crime; and who will assist others engaged in like efforts.

2. The Field.—In theory the law provides for the defense of every man accused of crime. If, when he comes up to plead to an indictment, he has no lawyer and desires one, the court is required to assign counsel to defend him—without pay, except in cases where the charge is murder in the first degree. If he pleads guilty, a probation officer is delegated to ascertain facts which will assist the court in determining the proper punishment. So far as the statutes are concerned, the poor man and the rich are equal in the eyes of the law.

In practice, the theory does not work out. The law can provide for the assignment of counsel, but can not provide counsel to be assigned. The probation officer may do his best; but he is an investigator, not an advocate. The prisoner, having admitted his guilt, overawed perhaps and disheartened, as often as not foreign born and speaking no English, can seldom adequately present his own cause to an officer of the law. He needs some one to urge it for him. In the daily grind of cases through the criminal courts, it is seldom that the poor man gets a thoroughgoing defense.

3. Why the Courts Find it Hard to Assign Competent Counsel.—Most lawyers in civil practice have neither the experience nor the equipment to handle properly a criminal case. There is required both knowledge of the types of human nature involved and judgment as what the criminal courts and juries will do; as to whether, for example, it is best to defend, to plead guilty and trust to mercy, or to go to the district attorney, present the defendant's case and ask for his discharge. The essential facts, both as to the crime charged and the life and surroundings of the man accused, have to be dug out with great difficulty;—often from most unpleasant soil. This requires trained investigators who "know the town" and the "underworld." Few lawyers have such assistants at their command; few are willing or able themselves to rummage the unpleasant places for facts and witnesses. Not only because he is very loath to undertake the task, but because he cannot properly cope with it, the civil lawyer is practically exempt from such assignment.

Practitioners at the criminal bar of the type that a court likes to trust are unfortunately few in proportion to the number of cases to be assigned. In 1915, in New York County, counsel were assigned to 1,495 persons charged with felony. The defense of a criminal is a laborious and expensive task. Naturally the courts hesitate to impose too much voluntary service on the few